S.B. Civil First Appeal No.77/2004

Ogar Ram. vs. Bhanwar Lal.

Date : 2.8.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. NM Lodha, for the appellant.
Mr. Haider Agha, for the respondent.

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Heard learned counsel for the appellant.

The present first appeal has been filed to challenge the order of the trial court dated 14.11.2003 by which the trial court decided two issues against the plaintiff/ appellant.

Since the trial court has not decided the suit itself and has decided two issues only, therefore, the first appeal is not maintainable and hence, the same deserves to be dismissed as not maintainable.

Since this is a formal defect, therefore, at the request of learned counsel for the appellant, the court fees paid by the appellant deserves to be refunded to the appellant.

Therefore, the office is directed to issue appropriate certificate for refund of court fees through his advocate.

Learned counsel for the appellant submits that the appellant wants to challenge the above order by initiating

appropriate proceedings.

The appellant may do so in accordance with law and may submit appropriate application or reasons for condonation of delay and the grounds which may be submitted by the appellant may be considered by the authority before whom the appellant approaches.

Accordingly, this appeal is hereby dismissed as aforesaid.

(PRAKASH TATIA), J.

S.Phophaliya